Human Rights
In
Islam

by:

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In the Name of Allah,
The All-Merciful, The Ever-Merciful

Contents

Preface

In this brief, yet scholarly treatise, Salim Al-Bahnasawy, a renowned authority on of Islamic jurisprudence in the context of present-day issues, sheds light on the concept and principles of human rights in Islam. The first chapter centers on the basic conceptions of human rights in Islam as compared to International concepts. Islamic conceptions are referred to their authentic sources in the Qur'an and the *Hadeeth* (Prophet's sayings). The second chapter is dedicated to answering claims and clarifying misconceptions regarding human rights and equality in Islam. The last chapter is dedicated for a comprehensive outline of "basic rights" and "acquired rights" in Islam.

This book is an English translation of the original Arabic book. The translation was thoroughly revised and edited by Dar at-Tarjama. Prophetic sayings (*Ahadeeth*) were checked against their original Arabic sources and authentic English translations.

Chapter 1

Conceptions of Human Rights

Western Conception of Human Rights

There are various classifications of human rights in Western thought, some of which are:

1- **Weisman's classification,** classified human rights into two kinds:

- Material rights that include the right to security and the sanctity of ownership and shelter.
- Moral rights that include the right to freedom of belief, assembly and forming non-government social service organizations.

2- **Horio's classification,** classified human rights into three kinds:

- Freedom of private life.
- Freedom of spiritual life.
- Freedom of establishing NGOs and syndicates.

3- **Dean Dogi's classification,** distinguished between:

- passive freedom, which constitutes restrictions on the state for the benefit of the citizens, and

- positive freedom, which includes the state's services rendered to the citizens.

Moreover, there are other classifications that are not far removed from these.

These classifications can be found wanting because they are limited to the negative aspect of human rights and freedoms. They stipulate that the state should not encroach upon these freedoms but does not obligate the state to provide the right to security, education or employment, etc. However, the slogans of Socialism and Communism, led some Western parties to request the state's intervention to guarantee some basic rights, such as those of employment and social security.

Islamic Conception of Human Rights

Human rights in the Islamic concept are distinguished by being the duty of the state and individuals; not providing and securing these rights fully, is unlawful. The Prophet Muhammad (*SAWS*)[1] said, "Your blood, property and honor are inviolable (*haram*)."[2]

The state is not only prohibited from encroaching upon these rights, but also it must provide and secure them. For instance, it necessitates providing each individual with social services, with no distinction between males and

[1] *SAWS* = Arabic: Salla Allah alayhe wa Ṣalam [All Prayers and Blessings of Allah be upon him]

[2] Authentic hadeeth, reported by al-Bukhaariyy, *Volume 1, Book 3, Number 67,* Narrated 'Abdur Rahman bin Abi Bakra's father.

females or Muslims and non-Muslims. Islam does not only impose these rights as obligations upon the state, but it stipulates fighting to protect them. That is why Muslims under the leadership of the first Caliph Aboo-Bakr, fought to protect the rights of the poor in the mandatory alms (*zakah*)[3].

In Islam, the state guarantees the protection of these rights against their violation by individuals. The government has a social obligation; once it fails to perform it properly, it loses the right stay in power. Allah says

﴿ ٱلَّذِينَ إِن مَّكَّنَّٰهُمْ فِى ٱلْأَرْضِ أَقَامُوا۟ ٱلصَّلَوٰةَ وَءَاتَوُا۟ ٱلزَّكَوٰةَ وَأَمَرُوا۟ بِٱلْمَعْرُوفِ وَنَهَوْا۟ عَنِ ٱلْمُنكَرِ ﴾ [الحج: ٤١]

what can be translated as, **"(Those) who, if We establish them in the earth, keep up the prayer, and bring the Zakat (i.e., pay the poor-dues) and command beneficence and forbid malfeasance;" (TMQ, 22:41)**[4] He also says,

﴿ ۞ إِنَّ ٱللَّهَ يَأْمُرُ بِٱلْعَدْلِ وَٱلْإِحْسَٰنِ وَإِيتَآئِ ذِى ٱلْقُرْبَىٰ وَيَنْهَىٰ عَنِ ٱلْفَحْشَآءِ وَٱلْمُنكَرِ وَٱلْبَغْىِ ﴾ [النحل: ٩٠]

what can be translated as, **"Surely Allah commands justice and fairness and bringing (charity) to a near**

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[3] A proportion of the wealth (2.5%) of every Muslim to be paid annually for the benefit of the needy in the Muslim community

[4] TMQ =Translation of the Meaning of the Qur'an. This translation is for the realized meaning, so far, of the stated (Surah:Ayah) of the Qur'an. Reading the translated meaning of the Qur'an can never replace reading it in Arabic, the language in which it was revealed.

kinsman, and He forbids obscenity and maleficence and iniquity". (TMQ, 16:90)

To charge all people with this social duty, the Prophet (*SAWS*) was reported to say[5], "those who leave properties after their death, should leave them for their inheritors, and those who leave poor children, they should be left for us to take care of. " "He (SAWS) also said, "All of you are guardians and are responsible for your subjects"."[6].

Al-Bukhaariyy reported that the Prophet (*SAWS*) said that any Muslim, who is responsible for other people, then dies while being unjust to them, will not go to paradise.[7] Moreover, Al-Hakim narrated that the Prophet (*SAWS*) said that any Muslim ruler who appoints a person in a job although he knows that there are other ones better than him, he is a traitor.[8]

With regards to securing the rights of non-Muslims, the Prophet (*SAWS*) said, "If anyone treats a non-Muslim who is under Muslim protection unjustly, disparages him, charges him over his capacity, or extorts any thing from him, I am his opponent on the Day of Resurrection."[9]

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[5] Editor: Source could not be traced.

[6] Authentic hadeeth reported by al-Bukhaariyy in *al-Jaami*ᶜ *as-Saheeh*, page/number 2554, and narrated by ᶜAbdullaah Ibn-ᶜUmar (*RA*).
RA = Arabic: Radiya Allahu ᶜanhu (May Allah be pleased with him/her).

[7] Authentic hadeeth reported by al-Albaaniyy in Saheeh *at-Targheeb* page/number 2206, and narrated by Anas Ibn-Maalik.

[8] Editor: Source could not be traced

[9] reported by as-Sakhaawiyy in *al-Ajwibah al-Murdiyah* page/number 16/1, and narrated by a number of the fathers of the Prophet's Companions' sons.

Personal Privacy Rights in Islam

The first guarantee of personal rights is that Allah says,

﴿ يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوا۟ لَا تَدْخُلُوا۟ بُيُوتًا غَيْرَ بُيُوتِكُمْ حَتَّىٰ تَسْتَأْنِسُوا۟ وَتُسَلِّمُوا۟ عَلَىٰٓ أَهْلِهَا ۚ
ذَٰلِكُمْ خَيْرٌ لَّكُمْ لَعَلَّكُمْ تَذَكَّرُونَ ﴿٢٧﴾ فَإِن لَّمْ تَجِدُوا۟ فِيهَآ أَحَدًا فَلَا تَدْخُلُوهَا حَتَّىٰ يُؤْذَنَ لَكُمْ ۖ
وَإِن قِيلَ لَكُمُ ٱرْجِعُوا۟ فَٱرْجِعُوا۟ ۖ هُوَ أَزْكَىٰ لَكُمْ ۚ وَٱللَّهُ بِمَا تَعْمَلُونَ عَلِيمٌ ﴿٢٨﴾ ﴾ [النور]

what can be translated as, **"You who have believed, do not enter houses other than your houses until you (first) announce your presence and salute the family thereof; that is more charitable for you that possibly you would be mindful.**

Then in case you do not find anyone therein, do not enter it until you are permitted (to do so). And if it is said to you, "Return," then return. It is more cleansing for you, and Allah is Ever-Knowing of whatever you do." (TMQ, 24:27, 28)

As spying is prohibited for individuals, it is also prohibited for states. The ruler is not permitted to spy on the nation or any of its members. Allah says,

﴿ يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوا۟ ٱجْتَنِبُوا۟ كَثِيرًا مِّنَ ٱلظَّنِّ إِنَّ بَعْضَ ٱلظَّنِّ إِثْمٌ ۖ وَلَا تَجَسَّسُوا۟ ﴾ [الحجرات: ١٢]

what can be translated as, **"O you who have believed, avoid much conjecture; surely some conjecture is a vice. And do not spy on each other," (TMQ, 49:12).** In this regard, the Prophet (*SAWS*) said, "Oh ye who believe by **your** tongue (verbally) only but not by **your** heart: do not backbite Muslims and do not follow up **(describe or**

make known) their private parts (**normally covered in public**), for Allah will follow up the private parts of him who follows up his brother's private parts, and if Allah follows up the private parts of someone, He would disgrace him even if he is inside his house."[10]

When cAbdullaah Ibn-Mascood was told that al-Waleed Ibn-cUqbah had drops of wine on his beard, he replied: "We are forbidden to spy on the others. If we see him drinking it, we punish him for it."

Texts Concerning Human Rights in Islam

Although, in Islam there are no documents specifically devoted to Human Rights, the Qur'an and the *sunnah* (the Prophet's tradition) focused on this concept in times when it was neglected by other nations. The following items are samples from the various records in Islam:

1- There are about forty *ayahs*[11] in the Ever-Glorious Qur'an concerning coercion or compulsion, among them there are more than ten *ayahs* that forbid compulsion in religion, thus making secure freedom of thought and belief. Allah says,

﴿لَآ إِكۡرَاهَ فِي ٱلدِّينِ﴾ [البقرة:٢٥٦]

what can be translated as, **"There is no compulsion in the religion" (TMQ, 2:256),** and,

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[10] Authentic hadeeth reported by al-Albaaniyy in *Saheeh al-Jaamic* page/number 7984, and reported by Aboo-Barzah al-Aslamiyy and al-Baraa' Ibn-cAazeb (*RA*).

[11] A verse in the Qur'an

﴿أَفَأَنتَ تُكْرِهُ ٱلنَّاسَ حَتَّىٰ يَكُونُوا۟ مُؤْمِنِينَ﴾ [يونس:٩٩]

"Would you then compel mankind until they are believers?" (TMQ, 10:99) and,

﴿وَقُلِ ٱلْحَقُّ مِن رَّبِّكُمْ ۖ فَمَن شَآءَ فَلْيُؤْمِن وَمَن شَآءَ فَلْيَكْفُرْ﴾ [الكهف:٢٩]

"And say, 'The Truth is from your Lord; so whoever decides, then let him believe, and whoever decides, then let him disbelieve." (TMQ, 18:29).

2- Islam guarantees justice, with no distinction between men and women, Muslims and non-Muslims, the old and the young. Suffice it to say that the Qur'an tackled the topics of injustice and oppression in about 320 *ayahs* and commanded justice in 54 *ayahs*.

3- Islam commands protection of life and securing it for mankind. The Qur'an makes reference to life in about 80 *ayahs*, and to killing and fighting in about 70 *ayahs*. Allah says,

﴿أَنَّهُۥ مَن قَتَلَ نَفْسًۢا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِى ٱلْأَرْضِ فَكَأَنَّمَا قَتَلَ ٱلنَّاسَ
جَمِيعًا﴾ [المائدة:٣٢]

what can be translated as, **"Whoever kills a soul--other than for (killing another) soul or for corruption in the earth--then it will be as if he had killed mankind altogether;" (TMQ, 5:32)**. It also includes about 20 *ayahs* about dignity and honoring others. Allah says what can be translated as,

﴿وَلَقَدْ كَرَّمْنَا بَنِىٓ ءَادَمَ وَحَمَلْنَٰهُمْ فِى ٱلْبَرِّ وَٱلْبَحْرِ وَرَزَقْنَٰهُم مِّنَ ٱلطَّيِّبَٰتِ
وَفَضَّلْنَٰهُمْ عَلَىٰ كَثِيرٍ مِّمَّنْ خَلَقْنَا تَفْضِيلًا ﴿٧٠﴾﴾ [الإسراء:٧٠]

"And indeed We have already honored the Seeds (sons) of Adam and carried them on land and sea, and provided them with the good (things), and graced them over many of whom We created with marked graciousness". (TMQ, 17:70).

4- The Qur'an includes around 150 *ayahs* about creation and creatures and about equality in creation; Allah says,

﴿يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُم مِّن ذَكَرٍ وَأُنثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِندَ اللَّهِ أَتْقَاكُمْ﴾ [الحجرات:١٣]

what can be translated as, **"O you mankind, surely We created you of a male and a female, and We have made you races and tribes that you may get mutually acquainted. Surely the most honorable among you in the Providence of Allah are the most pious" (TMQ, 49:13)**. It is reported that the Prophet (*SAWS*) said, "mankind are equal, like the teeth of a comb".[12].

5- In his farewell (last) pilgrimage (*Hajj*)[13], the Prophet (*SAWS*) asserted all these rights, saying, "Thus surely, your blood, your money, and your honor are just sanctified to you, as the sanctity of this day of yours, in this country of yours, in this month of

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[12] Weak h̲adeeth reported by al-Albaaniyy in *as-Silsilah ad-Da^c eefah* page/number 3158, and narrated by Sahl Ibn-Sa^c d as-Saa^c idiyy (*RA*).

[13] The pilgrimage to Makkah during the first half of the month of Dhul-Hijjah, and is the fifth pillar of Islam.

yours."[14] He commanded that a ruler should start with his family and relatives, enjoining them (before others) to respect rights and laws. In this regard, he (*SAWS*) said, "All claims to usury of *jaahiliyyah*[15] are abrogated; you will have the capital of your wealth, you will not do injustice, and injustice will not be done to you"[16]. The Prophet (*SAWS*) also denounced the non-Muslim Arabs' arbitrary assessment of the sanctity of human life, of property and even of the value of religious ritual. Arabs used to be inconsistent with regard to Allah's sacred rites, permitting them one year and forbidding them the next. That is why the Prophet (*SAWS*) commanded that, what is allowed and what is prohibited should be decided according to what the Ever-Glorious Qur'an dictated. No one is permitted to allow or prohibit other than what the Qur'an commanded.

6- Equality among people is part and parcel of justice in Islam. Allah says in the Qur'an

﴿يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُم مِّن نَّفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً﴾[النساء:١]

what can be translated as, "**O you mankind, be pious to your Lord, Who created you of one self, and created from it its spouse, and from the two disseminated many men and women;" (TMQ, 4:1).**

[14] Authentic hadeeth reported by al-Bukhaariyy in *Saheeh al-Bukhaariyy* page/number 1766, and narrated by Ibn-ᶜAbbaas.

[15] The time of ignorance before Islam was realized. Describes polytheistic religions.

[16] Authentic hadeeth reported by at-Tirmithiyy in *Sunan at-Tirmithiyy* page/number 3087, and narrated by ᶜAmr Ibnul-Ahwas (*RA*).

In Islam all people are equal, with no distinction based on gender, color of complexion, language, nationality or poverty and wealth. In this regard, it was reported that the Messenger of Allah (SAWS) said: "O People, you have One Lord and one father [i.e. Adam]. There is no advantage of an Arab over a non-Arab or a non-Arab over an Arab, nor is there an advantage of a Black over a Red or a Red over a Black except through piety.[17] It was also narrated by Aboo Hurayrah that the Messenger of Allah (*SAWS*) said: "Allah has put away from you the arrogance of *jaahiliyyah*[18], and bragging of **parentage**; a believer is pious, and a dissolute person is lamentable. All of you are sons of Aadam, and Aadam was created from dust. and Aadam was created from dust. All those who brag about their ancestors, who are merely the coal of hellfire, should stop it, otherwise they will be more humiliated (in the eyes of Allah) than scarabs that push dung with their noses."[19]

7- This equality dictates that a ruler, in Islam, is equal to his subjects and citizens; a rule that democratic regimes do not apply so far. These regimes

[17] Authentic hadeeth reported by al-Waadiᶜiyy in *as-Saheeh al-Musnad* page/number 1536, and narrated by those who heard the Prophet (*SAWS*).

18 The time of ignorance before Islam was realized. Describes polytheistic religions.

[19]Hadeeth that he did not object to (and he said that whatever he did not object to is good), reported by Aboo-Daawood in *Sunan Aboo-Daawood*, page/number 5116, and narrated by Aboo-Hurayrah (*RA*).

grant the heads of the state immunity, thus they cannot be prosecuted and tried for crimes they commit, except for high treason. Islam rejects this immunity. The Prophet (*SAWS*), being the head of the state, was a human being, and what applied to his citizens applied to him.

He was commanded by Allah to inform the people of this. In this regard, Allah says,

﴿قُلْ إِنَّمَا أَنَا بَشَرٌ مِّثْلُكُمْ يُوحَىٰ إِلَيَّ أَنَّمَا إِلَٰهُكُمْ إِلَٰهٌ وَاحِدٌ فَمَن كَانَ يَرْجُوا لِقَاءَ رَبِّهِ فَلْيَعْمَلْ عَمَلًا
صَالِحًا وَلَا يُشْرِكْ بِعِبَادَةِ رَبِّهِ أَحَدًا ﴿١١٠﴾﴾ [الكهف: ١١٠]

what can be translated as, "**Say, 'Surely I am only a mortal the like of you: it is revealed to me that surely your God is only One God." (TMQ, 18:110).**

Chapter 2

Answering Misconceptions regarding Freedom and Human Rights in Islam

It is sometimes said that Islam does not acknowledge human rights and freedoms mentioned in the World Declaration of Human Rights. This misunderstanding is because freedoms in Islam have some standards that differ from those in modern international law.

These allegations are answered, and the concepts are are clarified as follows:

First: Equality in Islam

1- The general rule in Islam is equal rights for men and women, and distinction between them is the exception. However, this is not due to their being male or female. Allah (*SWT*)[20] says in the Qur'an,

﴿وَلَهُنَّ مِثْلُ ٱلَّذِى عَلَيْهِنَّ بِٱلْمَعْرُوفِ ۚ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ﴾[البقرة:٢٢٨]

what can be translated as, "**And they (the women) have (rights) like (the obligations) they are under with beneficence; and men have a degree above**

[20] SWT = *Suhanahu wa Ta'ala* [Glorified and Exalted Be He].

them;" (TMQ, 2:228). Allah commanded guardianship in marital life,

﴿ٱلرِّجَالُ قَوَّٰمُونَ عَلَى ٱلنِّسَآءِ بِمَا فَضَّلَ ٱللَّهُ بَعْضَهُمْ عَلَىٰ بَعْضٖ وَبِمَآ أَنفَقُواْ مِنْ أَمْوَٰلِهِمْۚ﴾ [النساء: ٣٤]

"Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means" (TMQ, 4:34). Preference here is with regard to the differences in creation and formation, and for man's obligation to bear the expenses for his wife and children.

The Prophet's tradition addressed another kind of guardianship and custody outside of the family: the leadership of the state. In Islam, that leadership is limited to men. In this regard, the Prophet (*SAWS*) said "No people will prosper as long as **they appoint** a woman as their ruler."[21] The Prophet issued this judgment after Khusrau's daughter had ruled over Persia.

2- Differences in inheritance, in Islam, are not based on gender, as can be seen by the fact that equality exists between both parents as mentioned in the Qur'an,

﴿وَلِأَبَوَيْهِ لِكُلِّ وَٰحِدٖ مِّنْهُمَا ٱلسُّدُسُ مِمَّا تَرَكَ إِن كَانَ لَهُۥ وَلَدٞۚ﴾ [النساء: ١١]

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[21] Authentic hadeeth reported by al-Albaaniyy in *Saheeh at-Tirmithiyy* page/number 2262, and narrated by Aboo-Bakrah (*RA*).

"And to (both) his parents, to each one of the two is the sixth of whatever he has left if he has children;". (TMQ, 4:11). In some specific cases, males inherit twice that of their female counterparts (e.g. brothers and sisters). Yet, in return males are financially responsible for their female relatives (wives, mothers and sisters). Females inherit less but retain their share for personal investment and savings, without any legal obligation to spend any part of it, even for their own sustenance (food, clothing, housing, medication ... etc).

3- The general rule is equality among all people. Allah says,

﴿يَٰٓأَيُّهَا ٱلنَّاسُ ٱتَّقُوا۟ رَبَّكُمُ ٱلَّذِى خَلَقَكُم مِّن نَّفْسٍ وَٰحِدَةٍ﴾ [النساء: ١]

in the Qur'an, what can be translated as, **"O you mankind, be pious to your Lord, Who created you of one self". (TMQ, 4:1).** Moreover, the Prophet (*SAWS*) said in one of his *hadeeth*[22], " All of you are sons of Aadam, and Aadam was created from dust."[23]. In another *hadeeth*, he said: "mankind are equal, like the teeth of a comb".[24]

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[22] The Prophet's actual sayings or actions as narrated by his companions

[23] Hadeeth that he did not object to (and he said that whatever he did not object to is good), reported by Aboo-Daawood in *Sunan Aboo-Daawood*, page/number 5116, and narrated by Aboo-Hurayrah (*RA*)

[24] Weak hadeeth reported by al-Albaaniyy in *as-Silsilah ad-Da^{c}eefah* page/number 3158, and narrated by Sahl Ibn-Sa^{c}d as-Saa^{c}idiyy (*RA*).

4- Existence of rules in the Islamic Law (*Sharia*)[25] concerning slaves does not mean that Islam allows slavery. Islam has tackled *jahiliya*[26] (the pre-Islamic period), when slavery was allowed as a legal economic system, at the time when the Ever-Glorious Qur'an was revealed. The Roman law used to distinguish between free men and slaves. Slavery was a result of trade, debt, inheritance and war. Islam eliminates all this by abolishing slavery in all its forms and considering it illegal. It preserved only war prisoners (or war slavery) and subjected it to the rule of reciprocation. Allah says in the Qur'an,

﴿فَإِمَّا مَنًّا بَعْدُ وَإِمَّا فِدَاءً حَتَّىٰ تَضَعَ الْحَرْبُ أَوْزَارَهَا﴾ [محمد: ٤]

what can be translated as, **"(it is) either being bounteous (i.e., "showing" bounty by setting them free) hereafter (to them), or (exacting) ransom, until the war lays down its encumbrances". (TMQ, 47:4).** Al-Baydawri said, in interpretation of this *ayah*, "Slavery is, thus, abrogated, or specific to the Battle of Badr. Islam quashed all kinds of slavery except for prisoners of war, which were dealt with according to the rule of reciprocation. Moreover, it authorized the ruler to release the war prisoners, without recompense, if the enemy did not have Muslim war prisoners, and it would be in the general interest of the nation to do so. Moreover, the Prophet prohibited all other sources of

[25] (*Shariah*) the ethical and moral code based on the Qur'an and *sunnah*

[26] The time of ignorance before Islam was realized. Describes polytheistic religions.

slavery such as kidnapping, trading of free people, and slavery of an indebted person who was unable to repay his debt. This system of slavery was common in the whole world at that time. As a result, the Prophet prohibited creditors of Salman Al-Farisi from taking him as a slave when he failed to repay his debts. The Prophet told them: "You have nothing to do with him. Distribute his money and property as indebted division (Al-gharemin).[27]

5- Concerning already existing slaves, either by war or by inheritance, Islam set up a system of graduation (step by step) to remedy the problem. It adopted the system of expiation (*kaffarah*) that orders the freeing of slaves after a free man or woman has committed a sin that necessitates this expiation, such as unintentional manslaughter.

Islam also specified a section in the Public Treasury to be spent for the liberation of slaves. Allah (*SWT*) commands that any one who owns a slave should set him or her free in return for a sum of money or work. The State is commanded to offer aid to those who are unable to pay that sum. Allah says,

﴿وَالَّذِينَ يَبْتَغُونَ الْكِتَابَ مِمَّا مَلَكَتْ أَيْمَانُكُمْ فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا وَآتُوهُم مِّن مَّالِ اللَّهِ الَّذِي آتَاكُمْ﴾ [النور:٣٣]

what can be translated as, "**And the ones your right hands possess who seek the Book (Contract of emancipation), then contract with them (accordingly), if you know that they are in**

[27]Editor: Source could not be located.

charitable circumstances. And bring them of the wealth of Allah that He has brought you." (TMQ, 24:33).

Female slaves were also emancipated. A Muslim who had one and lived with her as his wife, her children by him were considered free, not slaves. Moreover, she became free after her master's death. The Prophet (*SAWS*) said in a similar situation: "Her son emancipated her".[28] These slave mothers could not be sold or inherited. The women became free after their masters' death.

Islam commands equality in punishment and in consideration of human feelings until slaves are freed. The Prophet (*SAWS*) said, "Whoever strikes a slave of his, while it is not a **punishment** that he deserves, or slaps him, the expiation thereof is to manumit him."[29]. He forbade calling them "my slave" and ordered them to say "my boy" or "my girl". He commanded a special set of rights for slaves saying, "Your servants and slaves (are your brothers they) should eat from your food and should be dressed like you. They shouldn't be assigned to perform tasks beyond their abilities. If they are required to do so, you should help them".

6- Ordinances of Islam are mainly to protect the human dignity of the already existing slaves and not to distinguish them from others in the acts of worship and punishment. Punishing a female slave for

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[28] Editor: Source could not be located.

[29] Authentic hadeeth reported by Muslim in a*l-Musnad as-Saheeh* page/number 1657, and narrated by Zathaan.

adultery with half of the punishment of a free woman takes her circumstances into consideration. Allah says,

﴿فَإِذَآ أُحۡصِنَّ فَإِنۡ أَتَيۡنَ بِفَٰحِشَةٖ فَعَلَيۡهِنَّ نِصۡفُ مَا عَلَى ٱلۡمُحۡصَنَٰتِ مِنَ ٱلۡعَذَابِ﴾ [النساء:٢٥]

what can be translated as, **"(So) when they are in wedlock, (then) in case they come up with an obscenity, they shall have then half the punishment of free women in wedlock". (TMQ, 4:25).** Equality between free individuals and slaves in commandments and punishments is stated in both the Qur'an and the *sunnah*.

7- With regards to equality between Muslims and non-Muslims, religious freedom is a basic principle. Allah says in the Qur'an,

﴿لَآ إِكۡرَاهَ فِي ٱلدِّينِ﴾ [البقرة:٢٥٦]

what can be translated as, **"There is no compulsion in the religion". (TMQ, 2:256).** As for civil legislation, there are only two restrictions:

- Prohibition of a Muslim man from marrying a non-Muslim (polytheist or atheist) woman; only marriage to Jewish or Christian women is permissible.

- Absolute prohibition of a Muslim woman from marrying a non-Muslim man, as children are ascribed to their fathers.

In all other aspects, a Muslim and a non-Muslim are equal before the law, such as in transactions and punishment, including punishment for murder.

Second: Islam and Universal Human Rights Declaration

The contemporary concept of human rights as expressed in the United Nations' Universal Declaration of Human Rights (UDHR) differs entirely from the Islamic religious concept. Islamic scholars should have the courage to reject such so-called 'rights' that conflict with the rights of Allah.

The interpretation of the UDHR and the other legal texts—which call for the equality between men and women—should expound on the reasons for their being established. European laws inherited flagrant discrimination between men and women in their rights and duties from the Roman laws. The European laws stipulated that women are paid half the amount paid to men for the same work. She had no right to retain her family name after marriage; she must take her husband's name. These laws prohibited a woman from handling her own money until she proves that this money was not a gift from her to her husband at the time of marriage, and that it was not money shared between the two spouses.

That is why the second item in the UDHR stipulates non-discrimination between men and women based on religion or gender.

Some major nations opposed the wording of this item considering it interference in the domestic affairs of the nations. These nations agreed to solve the problem in the wording of this item as follows: "The legislations of the member nations in this charter should seek equality

between the two spouses with regards to rights and responsibilities." Thus it became a recommendation not an obligation and the equality here is not absolute or complete.

Despite this, the three afore-mentioned areas of discrimination between men and women, inherited from the European legalization, remained. Thus the United Nations was obliged to issue article no. 0104/1974 making 1975 International Year of the Woman, thus encouraging nations to avoid the afore-mentioned injustices and discriminations in their legislations.

Despite this and even if the items of the Universal Declaration are understood as erroneously calculated equality, the rules of the Islamic creed and the definite legislations in the Ever-Glorious Qur'an and in the Prophet's *sunnah* are considered the predominant principles in Islamic countries and should take complete precedence.

Just as modern countries consider certain fundamental principles unalterable, Muslims should hold sacred the universal justice sent by Allah through His Messenger.

Third: The Concept of Basic Freedom

The contemporary concept of human rights is completely different from Islamic law because the rights of the Universal Declaration are a product of the French secularism, which led to the Human Rights Declaration of 1789. This declaration recognized the rights of all citizens, the rights of mankind and their basic freedoms, and the people as a source of all authority. It completely

disregarded the rights of Allah, especially with respect to worship, and pronounced mankind's absolute right to worship or not to worship Allah, or create their own religion.

A brief reply to this:

1- The public freedoms stated in the declaration and others are not absolute. Democratic regimes put restrictions on freedom, the most important of which are:

- Protecting the creed of people.
- Protecting state security.
- Protecting individuals from defamation.

Communism restricted all freedoms in order to support its regime as stated in article No. 116 in the Soviet constitution.

The founding principles of secular law and Islamic law are diametrically opposed. Are these principles so different that they cultivate animosity?

There is no need to tell Muslims that the restrictions stated in the Islamic law are for the benefit of the individual and the community. European scholars have acknowledged that through their prohibition of adultery and all other indecent acts.

2- The democratic regime that sprang from secularism, considers the people as the source of three authorities: Legislative, juristic and executive. The representatives of the people are responsible for establishing legislation by a majority. They are also

responsible for the choice of rulers, holding them to account and dismissing them. Following this democratic system, within any Islamic system, is not considered a form of rejection of faith and misguidance, as long as Islamic law is the main source of its legislation.

The fundamental difference between the *Shari'ah* and secular democracy lies in the representatives' freedom to choose any legislation even if it opposes the absolute rules described in the Qur'an and the Prophet's *sunnah*. In Islam, however, any law that conflicts with *Shari'ah* is invalid. Such restriction is to protect the human values and morals.

It is worth mentioning that capitalist regimes put restrictions on the legislature preventing the issue of any law that revokes the capitalist system and adopts communism. Countries that adopt the communist system enact laws that protect their social system, as mentioned in the Soviet constitution articles 125 and 126.

As for the choice of rulers, holding them to account and their dismissal, Islamic law gives authority to the nation without the restrictions stated in the democratic regime. The head of state, whether a republic or monarchy, is given various degrees of responsibility, according to the rule: "Where there is no authority there is no responsibility". Both republics and monarchies give the ruler the right to pardon crimes. However, Islam prohibits this if they are major crimes, concerned with violating Allah's boundaries.

Fourth: Rights of Non-Muslims, The Missing Facts

Some still write that the association of the state and religion in Muslim countries leads to the domination of the majority religion, division along religious lines, and deprivation of non-Muslims' rights. Some think that Islamic law allocates all rights to Muslims, thus depriving non-Muslims of their rights, and that it is based on discrimination not equality.

We hear the opinions of some Islamic jurists, thinking that they have deduced their opinions from the Qur'an, the *sunnah*, and the actions of the companions of the Prophet (*SAWS*) and the followers, when some of these jurists are imparting their personal opinions. We acknowledge that some Islamic jurists' opinions lead to this understanding. Some who claim juristic deduction in Islam nowadays, have left the mainstream Islamic jurisprudence and arrogantly built over and above it a hefty set of their own rules, and they slander everyone (Muslim and non-Muslim) indiscriminately.

To break away from this conflict, we affirm that Islamic law is only taken from the Qur'an and the sound Prophetic traditions. With regards to other sources, among which are the consensus of the early jurists and their legal rulings, there is no weight given to them unless they are based on the texts of the Qur'an and Prophetic traditions.

Therefore, it is invalid to use an example attributed to Ibn-al-Munthir that finds, by consensus, the death compensation (blood money) for mistakenly killing a woman is half that of a man. The reference to the

Prophet's *hadeeth* cited in Amr Ibn-Hazm's document that states that The blood money for a woman's life, or less than that (injury), is half the blood money of a man. "[30], was proven not to be in that document, by al-Hafez Ibn-Hajar. It was found to be from an unreliable source. The document mentioned that "The killer (man) is killed for a woman" also that "in the case of killing a soul the blood money is a hundred camels".[31] This includes either a man or a woman. Thus, neither Ibn-al-Munthir's claim, nor the consensus of the jurists' claim, nor the agreement of some of the jurists' claim is valid that the blood of a non-Muslim is not equal to that of a Muslim. So, it is also not valid that a Muslim is not killed for killing a non-Muslim.

This opinion is made with reference to the prophetic *hadeeth*, which says, "Do not kill a believer for an unbeliever."[32] However, this *hadeeth* narrated in another way states, "Do not kill a Muslim for an unbeliever or a free non-Muslim in his covenant."[33] [A covenant holder is a non-Muslim who is bound by reconciliation agreement with the Islamic State.] The prophetic *hadeeth* makes him

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[30] Disconnected hadeeth reported by al-Bayyhaqiyy in *as-Sunan al-Kubra by al-Bayyhaqiyy* page/number 96/8, and narrated by Ibraaheem an-Nakh^c^iyy.

[31] Authentic hadeeth reported by al-Albaaniyy in *Irwaa' al-Ghaleel* page/number 2238, and narrated by Jaabir Ibn-^c^Abdullaah (*RA*).

[32] Incompletely transmitted hadeeth reported by al-Bayhaqiyy in *as-Sunan as-Sagheer* page/number 3/209, and narrated by ^c^Ataa' and Taawis (*RA*).

[33] A hadeeth with a good chain of transmission reported by Ibn Hajar al-^c^Asqalaaniyy in *Fat~h al-Baari* page/number 12/272, and narrated by ^c^Aliyy Ibn-Abee-Taalib.

or her equal to a Muslim in the case of killing a non-Muslim. The document issued by the Prophet, (*SAWS*) to be a law for the people of Madinah whether Muslims or Jews stated, "Do not kill a faithful man for a faithful man in case of killing disbeliever".

Thus, the Islamic rules are followed in Egypt, Pakistan the United Arab Emirates, Sudan, Libya and Kuwait. By referring to the Qur'an and the *sunnah* we find many texts commanding justice and equality among the Muslims and non-Muslims who live in the same state. For example:

1- We find in Qur'an

﴿وَقُلْ ءَامَنتُ بِمَآ أَنزَلَ ٱللَّهُ مِن كِتَـٰبٍ ۖ وَأُمِرْتُ لِأَعْدِلَ بَيْنَكُمُ ۖ ٱللَّهُ رَبُّنَا وَرَبُّكُمْ ۖ لَنَآ أَعْمَـٰلُنَا وَلَكُمْ أَعْمَـٰلُكُمْ﴾ [الشورى:١٥]

what can be translated as, **"And say, "I believe in whatever Book Allah has sent down, and I have been commanded to do justice between you. Allah is our Lord and your Lord. We have our deeds, and you have your deeds;" (TMQ, 42:15).** It also says,

﴿۞ إِنَّ ٱللَّهَ يَأْمُرُكُمْ أَن تُؤَدُّوا۟ ٱلْأَمَـٰنَـٰتِ إِلَىٰٓ أَهْلِهَا وَإِذَا حَكَمْتُم بَيْنَ ٱلنَّاسِ أَن تَحْكُمُوا۟ بِٱلْعَدْلِ﴾ [النساء:٥٨]

what can be translated as **"Surely Allah commands you to pay deposits back to their qualified family (i.e. the owners) and, when you judge among mankind, that you judge with justice." (TMQ, 4:58).** And it also says,

﴿لَّا يَنْهَىٰكُمُ ٱللَّهُ عَنِ ٱلَّذِينَ لَمْ يُقَـٰتِلُوكُمْ فِى ٱلدِّينِ وَلَمْ يُخْرِجُوكُم مِّن دِيَـٰرِكُمْ أَن تَبَرُّوهُمْ وَتُقْسِطُوٓا۟ إِلَيْهِمْ ۚ إِنَّ ٱللَّهَ يُحِبُّ ٱلْمُقْسِطِينَ ﴿٨﴾﴾ [الممتحنة:٨]

what can be translated as, "**Allah does not forbid you (from interacting peacefully with) the ones who have not fought you on account of the religion and have not driven you out of your residences that you should be benign to them and be equitable towards them; surely Allah loves the equitable". (TMQ, 60:8)**. Justice between Muslims and non- Muslims necessitates equality in rights.

2- The Prophet, (*SAWS*) said, "They have duties and rights like us". The Caliph Ali Ibn-Aboo-Taalib (*RA*)[34] said, "They have agreed to the covenant contract so their property and blood may be equal to ours". Thus, Dr. Sobhi al-Hamamsi decided that public jobs are not exempted from the principle of equality if any of them reach any state positions except religious ones. In a *hadeeth* the Prophet said, "**People** are from Aadam and Aadam is from dust".[35]

3- The prophetic agreement among Muslims and Jews included, "The Jews of Bani-Awf are one nation with the Muslims; they have their religion, slaves and themselves." How can they be a nation with the believers if they are deprived of their citizenship? As stated, "Whoever follows us from the Jews will have victory, will not be treated unjustly nor will there be contention".

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[34]RA = Arabic: Radiya Allahu ᶜanhu (May Allah be pleased with him/her).

[35] Good hadeeth reported by al-Albaaniyy in Sa<u>h</u>ee<u>h</u> *al-Jaamiᶜ* page/number 6798, and narrated by Aboo-Hurayrah (*RA*).

4- The people of the same country enjoy equal rights. No one is favored except by their moral conduct and their work. Thus, they are all addressed in the Qur'an and in the *sunnah* as mankind. The Qur'an says,

﴿يَٰٓأَيُّهَا ٱلنَّاسُ إِنَّا خَلَقْنَٰكُم مِّن ذَكَرٍ وَأُنثَىٰ وَجَعَلْنَٰكُمْ شُعُوبًا وَقَبَآئِلَ لِتَعَارَفُوٓا۟ ۚ إِنَّ أَكْرَمَكُمْ عِندَ ٱللَّهِ أَتْقَىٰكُمْ﴾ [الحجرات:١٣]

what can be translated as, **"O you mankind, surely We created you of a male and a female, and We have made you races and tribes that you may get mutually acquainted. Surely the most honorable among you in the Providence of Allah are the most pious." (TMQ, 49:13).** In the afore-mentioned *hadeeth*, "**People** are from Aadam and Aadam is from dust". Also, "mankind are equal, like the teeth of a comb".[36]. Thus the Caliph, ᶜUmar Ibnul-Khattab, was fair and equitable to the Egyptian Copt. ᶜUmar judged in his favor against the Emir of Egypt, ᶜAmr Ibnul-ᶜAas and his son, although the dispute was only with his son. He said, "He wronged you due to his father's power" and he said to the aggressor, "Since when do you enslave people who were born free?"

5- Al-Imam al-Mawardi confirmed that non-Muslims in a Muslim State have the right to take positions in the executive ministry. Islam declares the right of citizenship to non-Muslims, thus all are equal before the law. This was decreed in 610 C.E., while at that time the Byzantine Empire made this a right for the

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[36] Weak hadeeth reported by al-Albaaniyy in *as-Silsilah ad-Daᶜeefah* page/number 3158, and narrated by Sahl Ibn-Saᶜd as-Saaᶜidiyy (*RA*).

Christians only. The rest of the population was considered foreigners, in Byzantine law; they were deprived of the rights of the citizenship even though they had been citizens before that law.

6- Foreigners in Islamic jurisprudence are called 'secure residents', because they enter the Islamic State with authorization or a guarantee of security They do not participate in the administration of the Islamic State either directly or indirectly except where the State needs them, as they are not permanent citizens. Otherwise, they are equal before the law. They have the right to refer to their religion, not only in personal matters but also in their financial transactions. This is a general rule set by Islam for non-Muslims even if they are citizens of an Islamic State. However, contemporary laws do not exempt the minorities from the legislation of the state except regarding personal matters. This is according to the regional law which stipulates that one must be subject to the law of the region of residence.

7- It has been said that inequality of non-Muslims is the norm based on the statement by the Islamic jurists that, *zakat* (mandatory alms-giving) is obligatory upon Muslims while *jizyah* (tax paid to exempt non-Muslim citizens from military service) is obligatory upon non-Muslims. In addition, non-Muslims do not take judiciary positions or key positions in the state. They do not join the military services, and they have no right to practice their religious rituals openly or build churches. These are all distortions of the truth in certain situations.

The brief reply is as follows:

The obligation of non-Muslims to pay *jizyah* is a point in favor of the Islamic rules not against it. Before Islam this tax was ordered by victorious countries from the conquered ones. Islam refined it and restricted it to compensation for military protection of the region. It was a means to cease bloodshed if the other side approved it.

The *zakat* is much more than the *jizyah*. The Islamic state is responsible for the welfare its non-Muslim citizens. The Qur'an orders us to be fair and charitable towards them. The Prophet (*SAWS*) and the rightly guided Caliphs, after him, applied this charitable treatment. The general rule is "if a man from the covenants grows old or becomes too weak to work and the people of his religion have begun to give him charity, the Muslim Public Treasury should maintain him and his family".

The *jizyah* is a mutual contract and those who are unable to pay are exempted from it. There is no *jizyah* on the poor, the old, women or children. It is only ordained upon the others if they agree to it. In this context Allah says,

﴿حَتَّىٰ يُعْطُوا۟ ٱلْجِزْيَةَ عَن يَدٍ وَهُمْ صَـٰغِرُونَ﴾ [التوبة:٢٩]

what can be translated as, **"...until they give the tax out of hand, or in token of submission" (TMQ, 9:29).** 'Hand' means the ability, and 'submission' means agreement and the acceptance of the law and legislation. The Prophet (*SAWS*) allowed non-Muslims

not to pay the tax if they showed peace towards Muslims. The Prophet (*SAWS*) applied this with Bani-Madlaj, as the Qur'an says,

﴿فَإِنِ ٱعْتَزَلُوكُمْ فَلَمْ يُقَٰتِلُوكُمْ وَأَلْقَوْا۟ إِلَيْكُمُ ٱلسَّلَمَ فَمَا جَعَلَ ٱللَّهُ لَكُمْ عَلَيْهِمْ سَبِيلًا ﴿٩٠﴾﴾

[النساء: ٩٠]

what can be translated as, **"So, if they keep apart from you (and) so did not fight you, and offer you compliance, then does not Allah allow you a way against them" (TMQ, 4:90).**

If the non-Muslims agree voluntarily to be dealt with on the basis of the *zakat* system, disdaining the *jizyah*, then it is accepted from them. This is what was done by the second Caliph with the Arab Christians. Thus, the *jizyah* has become a historical issue. There is no contemporary Islamic law that includes the *jizyah* system. The main reason for that is the exemption from military service which is one of its advantages. It is now known among contemporary states that it has been cancelled so that the responsibility for defending the country falls upon everyone.

8- The reasons for not appointing non-Muslims to key positions such as judicatory positions, the premiership, and the presidency are:

Firstly: The minority does not have the right to rule. No state or regime is in exception to this principle.

Secondly: The executive and judiciary authorities are responsible for the application of Islamic law, thus they are headed by those who believe in it. However, with regards to legislation they are not disallowed any

positions except the presidency. The opinion of al-Mawardi, that it is acceptable for non-Muslims to be appointed in the executive ministry has been previously mentioned, and is explained, in detail, elsewhere.

9- As for non-Muslims practicing their rituals openly and building churches, this has also been previously explained. Islam not only allows it but also guarantees it. The deviations from this rule or its application under specific circumstances should not be taken as evidence to the contrary.

Chapter 3

Outline of Human Rights in Islam

Europe inherited from the Roman law the system of feudalism, slavery, and blatant discrimination between men and women. After the French revolution, men gained some of their rights, but women still had no right to manage their property without their husband's permission, nor were they paid equally for the same work as a man. Moreover, they were deprived of keeping their family name after marriage.

After the Universal Declaration for Human Rights was issued in 1948, this inequity remained until the General Council of the United Nations issued its decision no. 0104/1974 making the year 1975, International Year of the Woman. Many nations worked throughout that year to eliminate this discrimination.

At the time when Europe was in the darkness and discrimination of the Middle Ages, the Ever-Glorious Qur'an was revealed to the Prophet (*SAWS*) starting in 610 CE. Islam made people equal in rights and duties. It eliminated injustice, emancipated the slaves and returned to women their dignity, more so than was found in any other legal system. To the extent that Islam does not even oblige a woman to suckle her baby unless she desires to, as long as there is no danger to the baby's life.

What are known as human rights in man-made governments are the necessities, without which society cannot survive. Islamic jurists defined them in the books of Islamic jurisprudence as "the five necessities". They determined that the purpose of the Islamic law is to preserve a person's min, religion, souls, honor and property. The jurists explained the rights and duties through what is stated in the Qur'an and the practical application of the Prophetic traditions.

Each group of humans declares 'rights' to be what seem to fit their limited understanding of the world. On the other hand, the Qur'an as revealed by the Almighty Creator addresses the rights of all mankind with supreme justice.

The Prophet (*SAWS*) assured these rights in the international peace conference, the pilgrimage. The Prophet (*SAWS*) declared to all people in his farewell pilgrimage that, "Time has verily come full turn, to how it was the day Allah created the heavens and the earth. Four months there are which are inviolable, three in a row and fourth by itself: Dhul Qa'da, Dhul Hijja, and Muharram; and Rajab, which lies between Jumada and Sha'ban." He said, "Which month is this?" We said "Allah and His Messenger know better." He remained silent until we thought that he might give it another name. He then said, "Isn't it the month of Thul-Hijjah?" We replied, "Yes! It is." He then asked, "What country is this?" We replied, "Allah and His Messenger know better." He remained silent until we thought that he might give it another name. He then said, "Isn't it the country (Makkah)?" We said, "Yes. It is." He further asked, "What is the day today?"

We replied, "Allah and His Messenger know better." He remained silent until we thought that he might give it another name. He said, "Isn't it the day of *Nahr* (slaughtering of the animals of sacrifice)?" We replied, "Yes." He said, "Truly, your blood, property – the sub-narrator thought he said – and honor are inviolable to one another (i.e. Muslims) like the inviolability of this day of yours, in this month of yours and in this city of yours. You shall meet your Lord (Allah) and He will ask you about your deeds. Beware! Do not go astray after me by killing one another. It is incumbent upon those who are present to inform those who are absent, for perhaps some of those who are informed might comprehend (what I have said when the message is delivered to them) better than some of the present audience." Whenever the sub-narrator mentioned that statement, he would say, "The Prophet (*SAWS*) said the truth." Then the Prophet (*SAWS*) added, "No doubt! Haven't I conveyed (Allah's message) to you! No doubt! Haven't I conveyed (Allah's message) to you!"[37]

The Prophet (*SAWS*) also said, "Allah, Exalted be He, said, "Three, I am their opponent on the Day of Resurrection: A man who made a covenant in My name and then he betrayed, a man who sold a free man and ate

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[37] Authentic Hadeeth reported by al-Bukhaaiyry in *al-Jami*ᶜ *as-Saheeh* page/number 4406 and narrated by Aboo-Bakrah Nafeeᶜ Ibnul-Haarith (*RA*).

his price, and a man who hired a worker and took his due in full from him but did not pay him his wage."[38]

Islam is distinct from any ancient or modern prevailing system in that the worshipper's rights cannot be forfeited. They are not subject to the ruler's decision in the law. The Qur'an says,

﴿ أَفَحُكْمَ ٱلْجَٰهِلِيَّةِ يَبْغُونَ ۚ وَمَنْ أَحْسَنُ مِنَ ٱللَّهِ حُكْمًا لِّقَوْمٍ يُوقِنُونَ ۝٥٠ ﴾ [المائدة: ٥٠]

what can be translated as, **"Is it then the judgment of (pagan) ignorance that they inequitably seek? And who is fairer in judgment than Allah, for a people having certitude? " (TMQ, 5:50).** The right that is considered charity is dealt with like other civil and commercial rights. Thus, it should not be paid out of that of lesser quality. The Qur'an says,

﴿ يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوٓا۟ أَنفِقُوا۟ مِن طَيِّبَٰتِ مَا كَسَبْتُمْ وَمِمَّآ أَخْرَجْنَا لَكُم مِّنَ ٱلْأَرْضِ ۖ
وَلَا تَيَمَّمُوا۟ ٱلْخَبِيثَ مِنْهُ تُنفِقُونَ وَلَسْتُم بِـَٔاخِذِيهِ إِلَّآ أَن تُغْمِضُوا۟ فِيهِ ﴾ [البقرة:٢٦٧]

what can be translated as, **"O you who have believed, expend of the good things you have earned and of what We have brought out for you from the earth, and do not have recourse to the wicked of it for your expending, and you would not take it (yourselves) except you closed an eye on it". (TMQ, 2:267).**

Moreover, the Islamic rights are wider and more comprehensive. The Prophet (*SAWS*) carried them out in

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[38] Authentic hadeeth reported by al-Bukhaariyy in Saheeh *al-Bukhaariyy* page/number 2314, and narrated by Aboo-Hurayrah (*RA*).

his lifetime, and the Rightly-Guided Caliphs followed his path after his death. The Muslim armies fought to collect the *zakat* (the right of the poor), and fought in the Byzantine and Persian lands to ensure the people's freedom to choose their rulers and their creeds. This led the American astronaut, Michael Hart, in his book, '*The 100: A Ranking of the Most Influential Persons in History*,' to rank Prophet Muhammad, (*SAWS*) at the top.

Firstly: The Basic Rights

Islam guarantees the basic human rights for all people. They are all equal because they are created from the same element. The Qur'an says,

﴿يَـٰٓأَيُّهَا ٱلنَّاسُ ٱتَّقُوا۟ رَبَّكُمُ ٱلَّذِى خَلَقَكُم مِّن نَّفْسٍ وَٰحِدَةٍ﴾ [النساء:١]

what can be translated as, **"O you mankind, be pious to your Lord, Who created you of one self". (TMQ, 4:1)**. It also says,

﴿بَعْضُكُم مِّنۢ بَعْضٍ﴾ [آل عمران:١٩٥]

what can be translated as, "**The one of you is as the other" (TMQ, 3:195).** The Prophet, (*SAWS*) said, "Yes. Indeed they (women) are men's sisters."[39]. He also said, "Truly, your blood, property – the sub-narrator thought he

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[39] Authentic hadeeth reported by Ibnul-Qattaan in *al-Wahm wal-Ieehaam* page/number 5/271, and narrated by Anas Ibn-Maalik (*RA*).

said – and honor are inviolable to one another (i.e. Muslims) like the inviolability of this day of yours, in this month of yours and in this city of yours.[40]

The following are some examples regarding these rights:

1- The Right to Life

We find in the Qur'an,

﴿مَن قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي ٱلْأَرْضِ فَكَأَنَّمَا قَتَلَ ٱلنَّاسَ جَمِيعًا﴾

[المائدة:٣٢]

what can be translated as, "...whoever kills a soul--other than for (killing another) soul or for corruption in the earth--then it will be as if he had killed mankind altogether." (TMQ, 5:32). Also,

﴿وَلَكُمْ فِي ٱلْقِصَاصِ حَيَوٰةٌ يَـٰٓأُو۟لِي ٱلْأَلْبَـٰبِ لَعَلَّكُمْ تَتَّقُونَ ﴿١٧٩﴾﴾ [البقرة:١٧٩]

what can be translated as, "for, in [the law of] just retribution, O you who are endowed with insight, there is life for you, so that you might remain conscious of God!" (TMQ, 2:179). Moreover, the deceased have rights in Islam such as the following, mentioned in the Prophet's sayings, "If you shroud your brother in Islam you should

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[40] Authentic Hadeeth reported by al-Bukhaaiyry in *al-Jami*ᶜ *as-Saheeh* page/number 4406 and narrated by Aboo-Bakrah Nafeeᶜ Ibnul-Haarith (*RA*).

perfect the burial"[41]. He also said, "Do not insult the dead as they reached (the penalty of) what they had done."[42]

2- Personal Freedom and Freedom of Belief

Freedom of personal choice is one of the most important human rights, and freedom of belief as well as practicing the rituals of one's belief is the most sacred of freedoms, as long as that practice does not encroach upon the freedom and rights of others.

Due to the sanctity of this freedom, Islam forbids forced religious conversion. The Qur'an declares,

﴿لَآ إِكۡرَاهَ فِي ٱلدِّينِۖ قَد تَّبَيَّنَ ٱلرُّشۡدُ مِنَ ٱلۡغَيِّۚ﴾ [البقرة:٢٥٦]

what can be translated as, **"There is no compulsion in religion; right-mindedness has been evidently (distinct) from misguidance" (TMQ, 2:256).** The Qur'an also says,

﴿وَلَوۡ شَآءَ رَبُّكَ لَأٓمَنَ مَن فِي ٱلۡأَرۡضِ كُلُّهُمۡ جَمِيعًاۚ أَفَأَنتَ تُكۡرِهُ ٱلنَّاسَ حَتَّىٰ يَكُونُواْ مُؤۡمِنِينَ ٩٩﴾ [يونس:٩٩]

what can be translated as, **"And if your Lord had (so) decided, whoever is in the earth would indeed have believed, all of them, altogether. Would you then compel mankind until they are believers?" (TMQ 10:99)**

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[41] Editor: Source could not be located.

[42] Authentic hadeeth reported by al-Bukhaariyy in *Saheeh al-Bukhaariyy* page/number 1411, and narrated by Lady [C]Aa'ishah (*RA*).

There is no incident in the history of the Prophet, (*SAWS*) or his companions where anyone was compelled to embrace Islam.

Islam guarantees the right to practice one's religious rituals even among those of different creeds. The Prophet, (*SAWS*) allowed the Jews living around Madinah to practice their rituals. [c]Umar gave to the people of Eilat (city in southern part of Palestine that was Christian at that time) security; for themselves, their property, churches and crosses. When Caliph Aboo-Bakr sent Yazeed Ibn-Aboo-Sufyan as head of the army, he said to him, "You will find people that have devoted their lives to worshipping Allah in temples, so let them worship as they wish".

Khaalid Ibnul-Waleed made an agreement with the people of al-Hera (north western area of modern day Libya) that their buildings and churches would not be destroyed and they would not be prevented from ringing their bells or displaying their crosses at their celebrations

[c]Umar's agreement with the Egyptian people entailed that they were granted security for themselves, their churches and crosses. Their churches would not be occupied or destroyed. There was no obligation to embrace Islam. None of them were to be harmed.

The religious conditions of the minority are governed by the general principle in the Qur'an where Allah says,

﴿لَآ إِكۡرَاهَ فِي ٱلدِّينِ﴾ [البقرة:٢٥٦]

what can be translated as, **"There is no compulsion in the religion" (TMQ, 2:256).** The civil and personal affairs of

the minority are governed by Islamic law if they come to Muslim authorities for judgment. Allah says,

﴿فَإِن جَآءُوكَ فَٱحْكُم بَيْنَهُمْ أَوْ أَعْرِضْ عَنْهُمْ ۖ وَإِن تُعْرِضْ عَنْهُمْ فَلَن يَضُرُّوكَ شَيْـًٔا ۖ وَإِنْ حَكَمْتَ فَٱحْكُم بَيْنَهُم بِٱلْقِسْطِ ۚ﴾ [المائدة:٤٢]

what can be translated as, **"...so if they come to you, then judge between them or veer away from them; and in case you veer away from them, then they will never harm you in anything; and in case you judge, then judge with equity between them". (TMQ, 5:42).** If they do not wish to be judged by Muslim authorities, they should be refer to their own legal rulings as long as they are based in their religion. The Qur'an also says,

﴿وَكَيْفَ يُحَكِّمُونَكَ وَعِندَهُمُ ٱلتَّوْرَىٰةُ فِيهَا حُكْمُ ٱللَّهِ ثُمَّ يَتَوَلَّوْنَ مِنۢ بَعْدِ ذَٰلِكَ ۚ﴾ [المائدة:٤٣]

what can be translated as, **"And how do they make you their judge while the Tawrah (Torah) is in their presence, wherein is the Judgment of Allah? They turn away even after that" (TMQ, 5:43).** It also says,

﴿وَلْيَحْكُمْ أَهْلُ ٱلْإِنجِيلِ بِمَآ أَنزَلَ ٱللَّهُ فِيهِ ۚ﴾ [المائدة:٤٧]

what can be translated as, **"And let the Population (the Family) of the Injeel (The Book revealed to Isa "Jesus") judge according to what Allah has sent down therein". (TMQ, 5:47)**

Islam guarantees freedoms; it forbids slavery; it honors human beings, favoring humans over any other creatures. Allah says,

﴿ ۞ وَلَقَدْ كَرَّمْنَا بَنِيٓ ءَادَمَ وَحَمَلْنَٰهُمْ فِى ٱلْبَرِّ وَٱلْبَحْرِ وَرَزَقْنَٰهُم مِّنَ ٱلطَّيِّبَٰتِ وَفَضَّلْنَٰهُمْ عَلَىٰ كَثِيرٍ مِّمَّنْ خَلَقْنَا تَفْضِيلًا ﴿٧٠﴾ ﴾ [الإسراء: ٧٠]

what can be translated as, "**And indeed We have already honored the Sons of Adam and carried them on land and sea, and provided them of the good (things), and graced them over many of whom We created with marked graciousness." (TMQ, 17:70).** The Prophet (*SAWS*) said with regard to enslaving debtors as a repayment of their debts; an international system that prevailed at that time. "You have nothing to do with him. Distribute his money and property as indebted division. (*Al-gharemin*)"[43].

When the son of the Muslim ruler of Egypt struck one of the Copts, and the Caliph, ᶜUmar Ibnul-Khattab, allowed the Copt to strike him back. He said to the youth and his father, "Why do you enslave people while they were born free?"

To guarantee the freedom of groups, societies and nations, Islam ordered fighting those who oppress others. The Qur'an says,

﴿ فَإِنۢ بَغَتْ إِحْدَىٰهُمَا عَلَى ٱلْأُخْرَىٰ فَقَٰتِلُوا۟ ٱلَّتِى تَبْغِى حَتَّىٰ تَفِىٓءَ إِلَىٰٓ أَمْرِ ٱللَّهِ ﴾ [الحجرات: ٩]

what can be translated as, "**...in case one of them (among the groups) is inequitable to the other, then fight the one (group) that is inequitable until it concedes to the Command of Allah". (TMQ, 49:9)**

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[43] Editor: Source could not be located.

3- The Right to Work

Islam does not look at work as only a right but also as a duty. Allah says,

﴿ فَإِذَا قُضِيَتِ ٱلصَّلَوٰةُ فَٱنتَشِرُوا۟ فِى ٱلْأَرْضِ وَٱبْتَغُوا۟ مِن فَضْلِ ٱللَّهِ ﴾ [الجمعة: ١٠]

what can be translated as, **"So, when the prayer is accomplished, then spread abroad in the land, and seek of the Grace of Allah". (TMQ, 62:10).** The Prophet, (*SAWS*) said, "By Him in Whose hand is my soul! It is better for anyone of you to take his rope and go gathering firewood on his back, than to come to someone and ask him for charity; he might give him or not."[44]

Work is an honor for those who work. Aboo-Hoorayrah (*RA*) reported that the Prophet, (*SAWS*) said, "Dawood (David) (*AS*) never ate except from the earnings of his manual work."[45]

He also reported that the Prophet (*SAWS*) said, "Zakariyyaa *(AS)* (Zechariah) was a carpenter."[46]

Al-Meqdad Ibn-Ma'd-Karb, (*RA*) reported that the Prophet, (*SAWS*) said, "Nobody has ever eaten a better

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[44] Authentic hadeeth reported by al-Bukhaariyy in *Saheeh al-Bukhaariyy* page/number 14٩٣, and narrated by Aboo-Hurayrah (*RA*)

[45] Authentic hadeeth reported by al-Bukhaariyy in *Saheeh al-Bukhaariyy* page/number 3453, and narrated by Aboo-Hurayrah (*RA*).

[46] Authentic hadeeth reported by Muslim in *Saheeh Muslim*, page/number 6312, and narrated by Aboo- Hurayrah (*RA*).

meal than that which one has earned by working with one's own hands. The Prophet of Allah, Dawud (David) (*AS*) used to eat from the earnings of his manual labor."[47]

.Islam commands perfection of work. The Prophet, (*SAWS*) said, "Allah Exalted be He loves that when anyone of you does a work, he perfects it."[48]

Islam orders to give workers their wages without delay. The Prophet, (*SAWS*) said, "Give the wage earner his wage before his sweat dries."[49]

Allah, says,

﴿لِلَّهِ مُلْكُ ٱلسَّمَٰوَٰتِ وَٱلْأَرْضِ وَمَا فِيهِنَّ﴾ [المائدة: ١٢٠]

what can be translated as, **"To Allah (belongs) the Kingdom of the heavens and the earth and whatever is in them". (TMQ, 5:120).** All people have the right to benefit from it. Allah says,

﴿وَسَخَّرَ لَكُم مَّا فِى ٱلسَّمَٰوَٰتِ وَمَا فِى ٱلْأَرْضِ جَمِيعًا مِّنْهُ﴾ [الجاثية: ١٣]

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[47] Authentic hadeeth reported by al-Bukhaariyy in *Saheeh al-Bukhaariyy*, page/number 2111, and narrated by al-Miqdaam (*RA*).

[48] Good hadeeth reported by al-Albaaniyy in *Saheeh al-Jaami*^c^, page/number 1880, and narrated by Lady ^C^Aa'ishah (*RA*).

[49] Authentic hadeeth reported by al-Albaaniyy in *Saheeh Ibn-Maajah* page/number 1995, and narrated by ^C^Abdullah Ibn-^C^Umar (*RA*).

what can be translated as, **"And He has subjected to you whatever is in the heavens and whatever is in the earth, all together from Him.". (TMQ, 45:13).** It is prohibited to do mischief or destroy it;

﴿وَلَا تَعْثَوْا فِي ٱلْأَرْضِ مُفْسِدِينَ ﴿١٨٣﴾﴾ [الشعراء:١٨٣]

"and do not perpetrate (mischief) in the earth (as) corruptors" (TMQ, 26:183). No one has the right to contravene the rights of others to gain benefit or gain the resources of sustenance. Allah says,

﴿وَمَا كَانَ عَطَآءُ رَبِّكَ مَحْظُورًا ﴿٢٠﴾﴾ [الإسراء:٢٠]

what can be translated as, **"and in no way can your Lord's gift be walled up" (TMQ, 17:20).** Everyone should work to gain sustenance lawfully. Allah says,

﴿وَمَا مِن دَآبَّةٍ فِي ٱلْأَرْضِ إِلَّا عَلَى ٱللَّهِ رِزْقُهَا﴾ [هود:٦]

what can be translated as, **"And in no way is there any beast in the earth except that its provision (depends) on Allah". (TMQ, 11:6)** also,

﴿فَٱمْشُوا فِي مَنَاكِبِهَا وَكُلُوا مِن رِّزْقِهِۦ﴾ [الملك:١٥]

"so walk in its territories and eat of His provision". (TMQ, 67:15)

Secondly: The Acquired Rights

Islam protects all rights acquired by mankind that are legislated by Allah, and made lawful, some of which are:

1- The Right to Property

Islam guarantees lawful property and forbids the illegal seizure of others' properties. Allah says,

﴿وَلَا تَأْكُلُوٓا۟ أَمْوَٰلَكُم بَيْنَكُم بِٱلْبَٰطِلِ وَتُدْلُوا۟ بِهَآ إِلَى ٱلْحُكَّامِ لِتَأْكُلُوا۟ فَرِيقًا مِّنْ أَمْوَٰلِ
ٱلنَّاسِ بِٱلْإِثْمِ وَأَنتُمْ تَعْلَمُونَ ١٨٨﴾ [البقرة:١٨٨]

what can be translated as, **"And eat not up your property among yourselves in vanity, nor seek by it to gain the hearing of the judges that you may knowingly devour a portion of the property of others wrongfully" (TMQ, 2:188).** Thus, Islam forbids usury and all kinds of earnings that exploit the needs of people. Allah says,

﴿وَأَحَلَّ ٱللَّهُ ٱلْبَيْعَ وَحَرَّمَ ٱلرِّبَوٰا۟﴾ [البقرة:٢٧٥]

what can be translated as, **"And Allah has made selling lawful, and has prohibited usury" (TMQ, 2:275).**

Islam forbids fraudulent and deceitful claims. One of the Prophet's *ahadeeth* says, "Both parties in a business transaction have a right to annul it as long as they have not separated; and as long as they tell the truth and make everything clear they will be blessed in their transaction. If they conceal anything and lie, the blessing on their transaction will be blotted out."[50] Islam commands that the property of one person is not lawful to another unless given by their own free will. In this regard, the Prophet Muhammad (*SAWS*) said[51], "Verily, your (the Muslims')

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[50] [Al-Bukhaariyy and Muslim]

[51] This was part of the speech made on the most revered day of the Pilgrimage to Makkah.

blood, property and honor are sanctified to one another like the sanctity of this day of yours, in this city of yours and in this month of yours."[52].

Islam also forbids seizing property that was gained by lawful means, for public benefit;

﴿ وَلَا تَأْكُلُوٓا۟ أَمْوَٰلَكُم بَيْنَكُم بِٱلْبَٰطِلِ ﴾ [البقرة:١٨٨]

"And eat not up your property among yourselves in vanity". (TMQ, 2:188). It imposed a fair compensation to its owner:

﴿ وَمَن يَغْلُلْ يَأْتِ بِمَا غَلَّ يَوْمَ ٱلْقِيَٰمَةِ ﴾ [آل عمران:١٦١]

"He who deceives shall be faced with his deceit on the Day of Resurrection" (TMQ 3:161).

The sanctity of public property is greater and the punishment for transgression against it is more severe, because it is a transgression against the whole community and a betrayal of the whole nation. It is reported that someone said "O Messenger of Allah, so-and-so was killed in a battle as a (martyr). He (*SAWS*) said, "No! I saw him in hell wearing a robe that he exploited". Then he (*SAWS*) said," O ᶜAliyy! Stand up and announce: No one will enter *jannah* (paradise) except the believers (thrice)".[53]

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[52]Authentic hadeeth reported by al-Bukhaariyy in *al-Jaamiᶜ as-Saheeh* page/number 1739, and narrated by ᶜAbdullaah Ibn-ᶜAbbaas (*RA*).

[53] Authentic, good and scarce hadeeth reported by at-Tirmithiyy in *Sunan at-Tirmithiyy* page/number 1499, and narrated by ᶜUmar Ibnul-Khattaab (*RA*).

2- The Right to Marriage and Forming a Family

Allah has made marriage, which is one of His holy symbols, a means for tranquility and stability. Mankind cannot find this tranquility outside the family framework. The Qur'an says,

﴿ وَمِنْ ءَايَٰتِهِۦٓ أَنْ خَلَقَ لَكُم مِّنْ أَنفُسِكُمْ أَزْوَٰجًا لِّتَسْكُنُوٓا۟ إِلَيْهَا وَجَعَلَ بَيْنَكُم مَّوَدَّةً وَرَحْمَةً ﴾ [الروم: ٢١]

what can be translated as, **"And of His signs is that He created for you, of yourselves, spouses, that you (may) find repose with them, and He has made between you amity and mercy" (TMQ, 30:21).** Moreover, Allah commanded the guardian to ensure marriage for the unmarried both male and female. Allah says,

﴿وَأَنكِحُوا۟ ٱلْأَيَٰمَىٰ مِنكُمْ وَٱلصَّٰلِحِينَ مِنْ عِبَادِكُمْ وَإِمَآئِكُمْ ۚ إِن يَكُونُوا۟ فُقَرَآءَ يُغْنِهِمُ ٱللَّهُ مِن فَضْلِهِۦ ۗ وَٱللَّهُ وَٰسِعٌ عَلِيمٌ ﴿٣٢﴾﴾ [النور]

what can be translated as, **"And wed the spouseless among you, and the righteous among your bondmen and maids. If they are poor, Allah will enrich them of His Grace; and Allah is Ever-Embracing, Ever-Knowing" (TMQ, 24:32).**

The signs of Allah in the family institution become apparent in the collapse of any society that allows indecent behavior and ignores the institution of family. The philosophy and communism of Mazdek[54] collapsed before

[54] Refering to the Mazdek Rebellion of Persia 488-499C.E

the advent of Islam. Also, the philosophy and communism of Marx in more recent times also collapsed, because both of them devalued the family institution and were based on the collective possession of wealth and sexual partners.

Rights within the family are similar to the rights within the state; they are not all equally distributed. These rights are related to capability, duty and responsibility; this is the natural situation that is only disputed by those who are ignorant or anarchists. The president is not given the same rights and responsibilities as any other person. Similarly, the head of the family has the authority to guide and discipline, and therefore is not equal to his children or wife.

Allah, the Creator of all, defined the rights and the duties according to the natural disposition which He created in mankind, and the responsibilities which He has distributed among individuals. On the level of the state and society, Allah commanded obedience to the guardian; and within the family, He gave guardianship to the head of the family. Allah says,

﴿ٱلرِّجَالُ قَوَّٰمُونَ عَلَى ٱلنِّسَآءِ بِمَا فَضَّلَ ٱللَّهُ بَعْضَهُمْ عَلَىٰ بَعْضٍ وَبِمَآ أَنفَقُوا۟ مِنْ أَمْوَٰلِهِمْ﴾ [النساء: ٣٤]

what can be translated as, **"Men are the protectors and maintainers of women,"** going on to explain, **"because Allah has given the one more (strength) than the other, and because they support them from their means" (TMQ, 4:34).**

Thus, there are differences in inheritance and marriage. Islam forbids the marriage of a Muslim man to a polytheist

woman but permits his marriage to Christian or Jewish women and does not allow a Muslim woman to marry a non-Muslim man.

However with regard to rights and duties, Allah says,

﴿وَلَهُنَّ مِثْلُ ٱلَّذِى عَلَيْهِنَّ بِٱلْمَعْرُوفِ ۚ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ﴾ [البقرة:٢٢٨]

what can be translated as, **"And they (the women) have (rights) like (the obligations) they are under with beneficence; and men have a degree above them". (TMQ, 2:228).** Prophet Muhammad (*SAWS*) said, "Indeed, women are full sisters of men"[55]

however men are required to be the bread-winners of the family.

Thus the principle of equality between men and women in the Universal Declaration of Human Rights does not affect the rules of the Islamic law as mentioned above, even if anyone claims that there exists a conflict of interest between the declaration and the rules of Islamic law. This declaration is but a human endeavor, which is limited by major world powers in order to preserve existing discrimination included in the European laws, which are also erroneous human endeavors. As for the rules in the Ever-Glorious Qur'an and the *sunnah*, Allah says,

﴿إِنْ هُوَ إِلَّا وَحْىٌ يُوحَىٰ ۝٤﴾ [النجم:٤]

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[55] Authentic hadeeth reported by al-Albaaniyy in *as-Silsilah as-Saheehah* page/number 2863, and narrated by Lady ᶜAa'ishah (*RA*).

what can be translated as, **"Decidedly it is nothing less than a revelation inspired" (TMQ, 53:4).**

People cannot change these rules because they are from Allah. Allah says,

﴿وَمَا كَانَ لِمُؤْمِنٍ وَلَا مُؤْمِنَةٍ إِذَا قَضَى اللَّهُ وَرَسُولُهُ أَمْرًا أَن يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ﴾
[الأحزاب:٣٦]

what can be translated as, **"And in no way should a male believer or a female believer, when Allah and His Messenger have decreed a Command, have the choice in their Command" (TMQ, 33:36).**

3- The Right to Security

Protection of livelihood, self and honor represent security in Islam. Allah says,

﴿فَلْيَعْبُدُوا رَبَّ هَٰذَا الْبَيْتِ ﴿٣﴾ الَّذِي أَطْعَمَهُم مِّن جُوعٍ وَآمَنَهُم مِّنْ خَوْفٍ ﴿٤﴾﴾
[قريش]

what can be translated as, **"So let them worship The Lord of this House, Who has fed them against hunger and secured them from fear". (TMQ, 106:3-4).** That is why, when the prophet Ibrahim *(AS)* (Abraham) requested from Allah sustenance to be granted to those who believe, Allah replied with

﴿وَإِذْ قَالَ إِبْرَاهِيمُ رَبِّ اجْعَلْ هَٰذَا بَلَدًا آمِنًا وَارْزُقْ أَهْلَهُ مِنَ الثَّمَرَاتِ مَنْ آمَنَ مِنْهُم بِاللَّهِ وَالْيَوْمِ الْآخِرِ
قَالَ وَمَن كَفَرَ﴾ [البقرة:١٢٦]

what can be translated as, **"And as Ibrahîm said, "Lord! Make this a secure land, and provide its population with (various) products, such of them as believe in Allah and the Last Day." He said, "And whoever disbelieves". (TMQ, 2:126).** That means that sustenance is for all of mankind.

Some Types of Security

- Entering houses without permission is forbidden. Allah says,

﴿ يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوا۟ لَا تَدْخُلُوا۟ بُيُوتًا غَيْرَ بُيُوتِكُمْ حَتَّىٰ تَسْتَأْنِسُوا۟ وَتُسَلِّمُوا۟ عَلَىٰٓ أَهْلِهَا ﴾ [النور:٢٧]

what can be translated as, **"You who have believed, do not enter houses other than your houses until you (first) announce your presence (i.e., make yourself known and ask permission) and salute the family thereof" (TMQ, 24:27).**

- The state is obligated to provide accommodation for the homeless according to the Islamic jurisprudence of Imam Ibn-Hazm.

- Security encompasses the sanctity of the home and the private life of mankind. Allah says,

﴿ وَلَا تَجَسَّسُوا۟ وَلَا يَغْتَب بَّعْضُكُم بَعْضًا ﴾ [الحُجُرات:١٢]

what can be translated as, **"And do not spy on each other, nor backbite one another" (TMQ, 49: 12).**

Spying is prohibited even for legal purposes. What Caliph [c]Umar did with young men who were drinking wine in

their house is evidence to that. When he climbed over the wall of their house, they confronted him saying "O Leader of the Believers, we disobeyed Allah on one count and you did so on three. Allah says, **'Do not spy on each other,'** but you did. Allah says, **'Enter the houses from their doors,'** but you climbed over the wall. Allah says, **'Do not enter houses other than your houses until you (first) announce your presence) and salute the family thereof'** but you did not do that." ᶜUmar pardoned them. Also, in a *hadeeth*, "A man came and stood facing the door of the Prophet (*SAWS*) asking for permission (to enter). The Prophet (*SAWS*) told him, "Move away from the door like this or like this. Verily, the order of taking permission to enter has been enjoined because of sight, (that one should not look unlawfully at the state of others).[56]

- Protecting all members of society, especially the poor, the orphans and the needy is another type of security. Prophet Muhammad (*SAWS*) said, "Those who leave orphans after their death, Allah will take care of them".[57] The state is required to maintain a healthy living for the poor and therefore must raise the funds necessary for that purpose through the *zakah*. The first caliph fought those who refused to pay the *zakah*, though they did not leave their religion. Thus, the Islamic state is the first and the last to fight for the right of the poor and the weak. The Islamic system is considered a pioneer in that. It gives every

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[56]Authentic hadeeth reported by al-Albaaniyy in *Saheeh Aboo-Daawood* page/number 5174, and narrated by Hazeel.

[57] Editor: Arabic source could not be traced

citizen the right to access the public treasury from his birth until his death. Many modern governments only provide salaries from the public treasury to those who work for the state and for those who are incapable of work. Thus, ᶜUmar (*RA*) decreed that a donation be made from the treasury for every child born in Islam, whether poor or wealthy, saying, "I swear by Allah, every one has a right to this money".

- Another type of security is that there is no discrimination between Muslims and non-Muslims in provisions, because a non-Muslim feels hunger, the same way a Muslim does and both of them are human. Mercy encompasses all and should not be limited to Muslims only.

ᶜUmar passed by an old Jewish man who was begging, so he took him to his house and gave to him. Then he ordered the treasurer to give him charity and relieved him of paying the *jizyah*.

It is said that ᶜUmar advised that Muslims should help non-Muslims in their old age since they paid the *jizhah* in their youth.

It is stated in Khaled Ibnul-Waleed's agreement with the people of al-Hera, "I ordained that the old, who are unable to work or suffer from any disease, receive (along with their families) a pension from the Muslim treasury, and be exempted from the *jiyah.*"

- The right to protection against torture and persecution is one of the most important features of security:

The torture of the guilty or the accused is prohibited. Prophet Muhammad (SAWS) said: "Allah tortures those who torture people in the worldly life".

Any decision taken as a result of a confession to a crime not committed is invalid. Prophet Muhammad (SAWS) says, "Allah forgives my nation's mistakes, forgetfulness and what they are coerced to do".

Whatever the crime and the legally decided penalty, the dignity of man is preserved. Allah says,

﴿وَلَقَدْ كَرَّمْنَا بَنِيٓ ءَادَمَ﴾[الإسراء:٧٠]

what can be translated as, **"And indeed We have already honored the sons of Adam" (TMQ,17:70).**

- With regard to protection of the self, property and honor, the Prophet Muhammad (*SAWS*) said, "Verily, your (the Muslims') blood, property and honor are sanctified to one another like the sanctity of this day of yours, in this city of yours and in this month of yours."[58]. Allah says,

﴿وَلَا تَجَسَّسُوا۟ وَلَا يَغْتَب بَّعْضُكُم بَعْضًا﴾ [الحُجُرات:١٢]

what can be translated as, **"And do not spy on each other, nor backbite one another". (TMQ, 49:12)** and,

﴿وَلَا تَلْمِزُوٓا۟ أَنفُسَكُمْ وَلَا تَنَابَزُوا۟ بِٱلْأَلْقَٰبِ﴾ [الحُجُرات:١١]

[58]Authentic hadeeth reported by al-Bukhaariyy in *al-Jaami*ᶜ *as-Saheeh* page/number 1739, and narrated by ᶜAbdullaah Ibn-ᶜAbbaas (*RA*) [58].

"And do not defame one another, nor revile one another by nicknames.". (TMQ, 49:11).

Islamic jurists concluded that the purpose of applying Islamic law is to protect the mind, religion, self, honor and property, which are known as the five necessities.

- The Right to Asylum: every persecuted or oppressed Muslim has the right to resort to where he finds security within the Islamic state. Islam guarantees this right to every persecuted person whatever his nationality, creed or color. The duty of Muslims is to grant him or her security whenever they come to them. Allah says,

﴿وإن أحد من المشركين استجارك فأجره حتى يسمع كلام الله ثم أبلغه مأمنه﴾ [التوبة:٦]

what can be translated as, **"And in case any of the associators (those who associate others with Allah) seeks of you neighborly (protection), then grant him neighborly (protection) till he hears the Words of Allah; thereafter convey him to his secure place. (TMQ, 9:6).**

- The Ka'ba, in Makkah, is a refuge and a safe place for all people who seek refuge in it, Allah says,

﴿ومن دخله كان آمنا﴾ [آل عمران:٩٧]

what can be translated as, **"And whoever enters it is secure". (TMQ, 3:97)**. Also,

﴿وإذ جعلنا البيت مثابة للناس وأمنا﴾ [البقرة:١٢٥]

"And as We made the Home an ingathering for mankind and a (place of) security". (TMQ, 2:125). He also says,

﴿ٱلَّذِى جَعَلْنَٰهُ لِلنَّاسِ سَوَآءً ٱلْعَٰكِفُ فِيهِ وَٱلْبَادِ﴾ [الحج:٢٥]

what can be translated as, **"We have made equal to mankind- (alike are) him who consecrates himself therein and the nomad". (TMQ, 22:25).** Thus the Islamic state is responsible for providing security to the person and granting him or her travel documents when security cannot be provided any other way.

4- The Right to Justice

Every Muslim has the right to be judged according to Islamic law. Allah says,

﴿فَإِن تَنَٰزَعْتُمْ فِى شَىْءٍ فَرُدُّوهُ إِلَى ٱللَّهِ وَٱلرَّسُولِ﴾ [النساء:٥٩]

what can be translated as, **"So if you contend with each other about anything, then refer it to Allah and the Messenger". (TMQ, 4:59)**. Also,

﴿وَأَنِ ٱحْكُم بَيْنَهُم بِمَآ أَنزَلَ ٱللَّهُ وَلَا تَتَّبِعْ أَهْوَآءَهُمْ﴾ [المائدة:٤٩]

"And (that) you should judge between them according to what Allah has sent down. And do not ever follow their prejudices" (TMQ, 5:49).

The person has the right to defend himself against injustice. Allah says,

﴿۞ لَّا يُحِبُّ ٱللَّهُ ٱلْجَهْرَ بِٱلسُّوٓءِ مِنَ ٱلْقَوْلِ إِلَّا مَن ظُلِمَ﴾ [النساء:١٤٨]

what can be translated as, **"Allah does not love the loud (expression) of odious words except for him who has been done an injustice". (TMQ, 4:148).** A Muslim must defend others against injustice with whatever he can. The Prophet (*SAWS*) said, "Help your brother whether he is an oppressor or oppressed," They (the hearers) said to him, "O Messenger of Allah, a man who is oppressed we are ready to help, but how can we help an oppressor?" He (*SAWS*) said "By hindering him from doing wrong."[59]

A person has the right to resort to a legitimate authority, for protection and justice. The Muslim ruler must set up this authority and maintain the required guarantees to ensure its neutrality and independence. The Prophet (*SAWS*) said, "The Imam (Muslim leader) is but a shield from behind whom the people fight and by whom they protect themselves. If he commanded (the people) to be pious of Allah (*ᶜAWJ*)[60] and was just; he would be rewarded for it, but if he commanded otherwise; it would be upon him (against him)".[61]

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[59] Authentic hadeeth reported by al-Bukhaariyy in *Saheeh al-Bukhaariyy* page/number 2264, and narrated by Anas Ibn-Maalik (*RA*).

[60] ᶜAWJ= cAzza wa Jall [Glorified and exalted be He (Islam)]

[61] Authentic hadeeth reported by Muslim in *Saheeh Muslim* page/number 3428, and narrated by Aboo-Hurayrah (*RA*).

It is the right and the duty of a person to defend the right of any other person and group for the sake of Allah. A *hadeeth* says, "The best of witnesses is the one who comes forward with his testimony before he is asked for it".[62] He volunteers to testify.

Obstructing the right of a person to defend himself is not permitted under any circumstance, the Prophet (*SAWS*) said, "A person has the right to say what he likes".[63] He also said, "When two litigants sit in front of you, do not decide till you hear what the other has to say as you heard what the first had to say; for it is best that you should have a clear idea of the best decision."[64] No one can coerce a Muslim to obey something that contradicts Islamic Law. A Muslim has to say no to anyone who orders him disobey Allah. Ibn `Umar (*RA*) reported: The Prophet (*SAWS*) said, "It is obligatory upon a Muslim to listen (to the ruler) and obey whether he likes it or not, except when he is ordered to do a sinful thing; in such case, there is no obligation to listen or to obey."[65] It is his right within the group, that they protect his stance, in solidarity with what is right. "A

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[62] Authentic hadeeth reported by al-Albaaniyy in *Saheeh Ibn-Maajah* page/number 1928, and narrated by Zayd Ibn-Khaalid al-Jihaniyy (*RA*).

[63] Editor: Arabic source could not be located.

[64] Authentic hadeeth reported by Aboo Dawood in *Sunan Aboo Dawood* page/number 24/3575, and narrated by cAliyy Ibn AbooTaalib (*RA*).

[65] [Al-Bukhaariyy and Muslim]

Muslim is the brother of a Muslim. He neither oppresses him nor humiliates him nor looks down upon him."[66]

5- The Right to Oppose and Legal Recourse

The perfection of faith in Allah is that rights should be guaranteed to their owners in the best way. All Muslims should cooperate in enforcing what is right and in eliminating injustice. The Prophet (*SAWS*) prohibited neglecting these duties toward society. Allah says,

﴿فَإِنۢ بَغَتۡ إِحۡدَىٰهُمَا عَلَى ٱلۡأُخۡرَىٰ فَقَٰتِلُواْ ٱلَّتِي تَبۡغِي حَتَّىٰ تَفِيٓءَ إِلَىٰٓ أَمۡرِ ٱللَّهِۚ﴾ [الحجرات:٩]

what can be translated as, **"then in case one of them is inequitable to the other, then fight the one that is inequitable until it concedes to the Command of Allah". (TMQ, 49:9).**

Anas, (*RA*) reported that Prophet (*SAWS*) said, "one does not believe until he likes for his (Muslim) brother what he likes for himself"[67]

He also reported that the Prophet (*SAWS*) said "Help your brother whether he is an oppressor or oppressed." A man said, "O Messenger of Allah, a man who is oppressed I am ready to help, but how can I help an oppressor?" He

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[66] Authentic hadeeth reported by Muslim in *Saheeh Muslim*, book/number 032/ 6219, and narrated by Aboo-Hurayrah.

[67] Authentic hadeeth reported by al-Bukhaariyy in *Saheeh al-Bukhaariyy* page/number 12, and narrated by Anas Ibn-Maalik (*RA*).

(*SAWS*) said "By hindering him or preventing him from doing wrong, for this is helping him."[68]

Aboo Hoorayrah (*RA*) reported that the Prophet (*SAWS*) said: "A Muslim has five duties towards another Muslim; to **return a** greeting, visit the sick, follow funeral processions, accept the invitation and answer the sneezer (by saying 'Allah have mercy upon you')."[69]

In another narration, the Prophet (*SAWS)* said, "There are six duties of a Muslim towards another Muslim: when you meet him greet him; when he invites you accept his invitation; when he asks you for advice advise him; when he sneezes and says *'al-Hamdulillaah'* (Praise be to Allah) answer him (by asking Allah to have Mercy upon him); when he is sick visit him and when he dies follow his funeral"[70]

Al-Baraa' Ibn-ᶜAazib said: "The Prophet (*SAWS*) commanded us to do seven things and forbade us from seven (things). He commanded us to visit the sick; follow the funeral procession; answer the sneezer; accept the invitation; spread peace (greet everybody); support the oppressed and help others fulfill their oaths, and he

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[68] Authentic hadeeth reported by al-Bukhaariyy in *Saheeh al-Bukhaariyy* page/number: 6438, and narrated by Anas Ibn-Maalik (*RA*).

[69] Authentic hadeeth reported by al-Bukhaariyy in *Saheeh al-Bukhaariyy* page/number 1164, and narrated by Aboo-Hurayrah (*RA*).

[70] Authentic hadeeth reported by Muslim in *Saheeh Muslim* page/number 4023, and narrated by Aboo-Hurayrah (*RA*).

forbade us from wearing gold rings; drinking in silver or he said (silver vessels), using (*mayaathir*) the saddle cloth made of red silk and Qassi material; or wearing garments made of silk or brocade or velvet."[71]

6- Justice and Equality

Slavery was present within the Byzantine and the Persian Empires and the people were divided into classes. Slavery was adopted within the church's cannon law and women were considered chattel. The church even sided with landowners to enslave the serfs on his land.

The customs and traditions of the Arabs before Islam used to discriminate between tribes. Even within the same tribe, the position of the individual was determined according to his tribal affiliation, social station and wealth. Their customs were for the benefit of men, not women, and for free men, not slaves. Islam, however, is the message of Allah to His creatures and is based on justice. Allah says,

﴿لَقَدْ أَرْسَلْنَا رُسُلَنَا بِٱلْبَيِّنَٰتِ وَأَنزَلْنَا مَعَهُمُ ٱلْكِتَٰبَ وَٱلْمِيزَانَ لِيَقُومَ ٱلنَّاسُ بِٱلْقِسْطِ﴾ [الحديد:٢٥]

what can be translated as, "**Indeed We have already sent Our Messengers with the supreme evidence, and We**

71 Authentic hadeeth reported by al-Bukhaariyy in Saheeh al-*Bukhaariyy* page/number 5204, and narrated by al-Baraa' Ibn-cAazib (*RA*).

have sent down with them the Book and the Balance, that mankind may maintain equity" (TMQ, 57:25).

Allah sent the Seal of the prophets, Muhammad, to release human beings from all yokes that Allah mentioned in the Qur'an,

﴿وَيَضَعُ عَنْهُمْ إِصْرَهُمْ وَٱلْأَغْلَٰلَ ٱلَّتِي كَانَتْ عَلَيْهِمْ﴾ [الأعراف:١٥٧]

"and ridding them of their obligation and the shackles that were upon them" (TMQ, 7:157). This was carried out in nations whose lifestyles were based on discrimination, chauvinism toward one's origin and ancestry and on depriving slaves, women and the weak of their human rights. Allah ordained justice among all people; He says,

﴿إِنَّ ٱللَّهَ يَأْمُرُكُمْ أَن تُؤَدُّوا۟ ٱلْأَمَٰنَٰتِ إِلَىٰٓ أَهْلِهَا وَإِذَا حَكَمْتُم بَيْنَ ٱلنَّاسِ أَن تَحْكُمُوا۟ بِٱلْعَدْلِ﴾
[النساء:٥٨]

what can be translated as, **"Surely Allah commands you to pay deposits back to their qualified family (i.e. the owners) and, when you judge among mankind, that you judge with justice". (TMQ, 4:58)**

The basis of equality in Qur'an and *sunnah* is that Allah is the only Creator. Allah tells us that all people are equal because He created them from a single person, Allah says,

﴿يَٰٓأَيُّهَا ٱلنَّاسُ ٱتَّقُوا۟ رَبَّكُمُ ٱلَّذِى خَلَقَكُم مِّن نَّفْسٍ وَٰحِدَةٍ﴾ [النساء:١]

what can be translated as, **"O you mankind, be conscious of your Lord, Who created you from one soul". (TMQ, 4:1)** Also,

﴿ وَٱللَّهُ خَلَقَكُم مِّن تُرَابٍ ثُمَّ مِن نُّطْفَةٍ ثُمَّ جَعَلَكُمْ أَزْوَٰجًا ﴾ [فاطر: ١١]

"And Allah created you from dust, thereafter from a sperm-drop; thereafter He made you pairs". (TMQ, 35:11)

Prophet Muhammad (*SAWS*) said in the Farewell Pilgrimage, "O People, you have One Lord. There is no superiority for an Arab over a non-Arab or for a non-Arab over an Arab; or for the white over the black; or for the black over the white except in piety. Verily, the noblest among you is he who is the most pious."[72]

He said to Hashim's tribe: "Do not seek to approach me through the privileges of your ancestors; people come only through their deeds".[73]

The *Ayahs* revealed in the Qur'an made the rich and the poor equal, and gave the poor priority for due care and consideration. Allah admonished the Prophet, saying,

﴿ عَبَسَ وَتَوَلَّىٰٓ ﴿١﴾ أَن جَآءَهُ ٱلْأَعْمَىٰ ﴿٢﴾ وَمَا يُدْرِيكَ لَعَلَّهُۥ يَزَّكَّىٰٓ ﴿٣﴾ أَوْ يَذَّكَّرُ فَتَنفَعَهُ ٱلذِّكْرَىٰٓ ﴿٤﴾ أَمَّا مَنِ
ٱسْتَغْنَىٰ ﴿٥﴾ فَأَنتَ لَهُۥ تَصَدَّىٰ ﴿٦﴾ وَمَا عَلَيْكَ أَلَّا يَزَّكَّىٰ ﴿٧﴾ وَأَمَّا مَن جَآءَكَ يَسْعَىٰ ﴿٨﴾ وَهُوَ يَخْشَىٰ ﴿٩﴾ فَأَنتَ عَنْهُ
تَلَهَّىٰ ﴿١٠﴾ ﴾ [عبس]

[72]Authentic hadeeth reported by al-Albaaniyy in *Ghaayat al-Maraam*, and narrated by Jaabir Ibn-ᶜAbdullaah (*RA*).

[73] Reported by Aboo-Dawood in *Sunan Aboo-Dawood*, book/number 41/ 5097 and narrated Aboo-Hurayrah.

what can be translated as, **"He (the Prophet) frowned and turned away, because the blind man came to him. And how will you (the Prophet) realize whether he (the blind man) could possibly (try) to cleanse himself, or that he would constantly remember, and the reminding would profit him? (But) as for him who thinks himself self- sufficient, to him then you (are eager) to attend, And in no way is it up to you (if) he should not (try to) cleanse himself. And as for him who has come to you endeavoring (to cleanse himself), and he is apprehensive (of his Lord)" (TMQ, 80:1-10)**

The Right to Equality in Brief

All people are equal before the law, in a *hadeeth*, "O People, you have One Lord. There is no superiority for an Arab over a non-Arab or for a non-Arab over an Arab; or for the white over the black; or for the black over the white except in piety. Verily, the noblest among you is he who is the most pious."[74]

There is no discrimination among individuals in applying the law. The Prophet (*SAWS*) said, "By Allah, if Faatimah, the daughter of Muhammad committed theft, Muhammad would cut off her hand".[75]

[74] Authentic hadeeth reported by al-Albaaniyy in *Ghaayat al-Maraam*, and narrated by Jaabir Ibn-ᶜAbdullaah (*RA*).

[75] Authentic hadeeth reported by al-Bukhaariyy in *Saheeh al-Bukhaariyy* page/number 6290, and narrated by Lady ᶜAa'ishah (*RA*).

- The rule of the caliph is, "I consider the weakest among you strong until I return their rights to them, and the strongest among you weak until I get the right from them (i.e. restore the rights they have abused unjustly)."

- People are equal human beings; The Prophet (*SAWS*) said, All of you are sons of Aadam, and Aadam was created from dust."[76] People are judged according to their deeds. Allah says,

﴿وَلِكُلٍّ دَرَجَٰتٌ مِّمَّا عَمِلُوا﴾ [الأنعام:١٣٢]

what can be translated as, **"And all have degrees (according) to what they have done". (TMQ, 6:132).**

- Every individual has the right to benefit from the public resources; Allah says,

﴿فَامْشُوا فِي مَنَاكِبِهَا وَكُلُوا مِن رِّزْقِهِ﴾ [الملك:١٥]

what can be translated as, "**so walk in its territories and eat of His provision". (TMQ, 67:15).** Discrimination among individuals in wages is not permitted as long as the accomplished work is the same in quantity and quality, Allah says,

﴿فَمَن يَعْمَلْ مِثْقَالَ ذَرَّةٍ خَيْرًا يَرَهُ ۝٧ وَمَن يَعْمَلْ مِثْقَالَ ذَرَّةٍ شَرًّا يَرَهُ ۝٨﴾ [الزلزلة:]

what can be translated as **"So whoever does an atom's weight of charity will see it! So whoever does an atom's weight of charity will see it". (TMQ, 99:7,8)**

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[76] Hadeeth that he did not object to (and he said that whatever he did not object to is good), reported by Aboo-Daawood in *Sunan Aboo-Daawood*, page/number 5116, and narrated by Aboo-Hurayrah (*RA*).

Examples of Equality before the Law

The stance of Prophet (*SAWS*) on a Makhzumiyy noblewoman who stole jewelry and velvet. The people of Quraysh became very worried about the woman from Makhzoom who had committed theft. They said, "Nobody can speak **(on her behalf)** to Allah's Messenger (*SAWS*) and nobody dares to do that except Usaamah who is the favorite of Allah's Messenger (*SAWS*)." When Usaamah spoke to Allah's Messenger (*SAWS*) about that matter, Allah's Messenger (*SAWS*) said, "Do you intercede (with me) to violate one of the legal punishment of Allah?" And then he (*SAWS*) said: "O people, verily the people before you perished because if a noble person committed theft, they used to leave him, but if a weak person among them committed theft, they used to inflict the legal punishment on him. By Allah, if Faatimah, the daughter of Muhammad committed theft, Muhammad would cut off her hand".[77]

- ᶜUmar (*RA*) carried out the heavy penalty against his son Abdul-Rahman for drinking alcohol.

- The stance of ᶜUmar (RA) towards Jiblah Ibn-al-Ayham-al-Ghassani who was one of the rulers of al-Jafna. He and his people embraced Islam and he came to visit ᶜUmar with five hundred of his relatives,

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[77] Authentic hadeeth reported by al-Bukhaariyy in *Saheeh al-Bukhaariyy* page/number 6290, and narrated by Lady ᶜAa'ishah (*RA*).

fully adorned. ᶜUmar was pleased with them and saw them as a new strength for Islam. He let him sit beside him and set out with him to perform the *hajj*. As he was circumambulating the Ka'ba, a man from the Fuzarah people stepped on his garment and so it was loosened. Jiblah struck the man in his face and broke his nose. The man from Fuzarah complained to ᶜUmar and Jiblah admitted to doing that. ᶜUmar said to him, "You are equal in Islam. You are not favored over him, except in piety." Jiblah said to ᶜUmar, "O Emir of the believers, I had thought I would be more honored in Islam than pre-Islam." ᶜUmar said, "Leave that, if you do not satisfy the man I will punish you." He pretended that he had acquired his satisfaction then fled to Byzantine territory and apostatized.

- There was a dispute between ᶜUmar and ᶜUbay-Ibn-Kaᶜb, (*RA*). ᶜUmar said, "Choose a man to judge between us". They selected Zaid Ibn-Thabet (*RA*). They went to him and ᶜUmar said, "We came to you to judge between us." The judgment was in his house. When they entered, Zaid asked ᶜUmar to sit in the center of the room "Sit here, O Emir of the believers". ᶜUmar said to him, "That is the first injustice in your judgment; I will sit by my opponent." They sat before Zaid; ᶜUbay made his claim and ᶜUmar refuted it. Zaid asked ᶜUbay to exempt ᶜUmar from swearing on oath, and that this exception was for ᶜUmar only. ᶜUmar swore by Allah that Zaid could not be a judge until ᶜUmar and a man from among the people were equal in his eyes.

- ᶜAliyy Ibn-Aboo-Taalib lost his shield and he found it with a Jewish man in the market. He did not take the shield by force but said to him, "A Muslim judge will settle this between you and me". They went to the Muslim judge and he judged in favor of the Jewish man due to his possession of the shield because possession is evidence of ownership.

- ᶜUmar borrowed a horse and over-burdened it leading to its injury. The man disputed with ᶜUmar saying "There should be a judge between you and me". He said: "I accept Shurayh as a judge." They went to him and Shurayh judged in favor of the man, saying to ᶜUmar, "You took it in a good condition, so it is your responsibility to return it in the same condition." ᶜUmar paid the price and appointed Shurayh as a judge.

- An Egyptian Copt went to ᶜUmar and said "O Emir of the believers, I seek your help." ᶜUmar asked him to explain. The man said "ᶜAmr Ibn-alᶜAas held a horse race in Egypt. My horse came in first and, when people saw it, Muhammad Ibn-ᶜAmr said, 'I swear by the Lord of al-Ka'ba, it is my horse'. So I said, 'No! I swear by the Lord of al-Kaᶜbah, it is mine'. He came and struck me with the whip and said, 'Take it; I am the son of noblemen.'"

The Caliph welcomed him and asked him to stay. He wrote to ᶜAmr Ibn-alᶜAas, "If you receive my message come with your son". ᶜAmr came in his garments and cloak. ᶜUmar looked around to find ᶜAmr's son and asked, "Where is the Egyptian?" "I am here," he answered.

^{c}Umar said, "Now it is your turn; strike the son of the noblemen". The Egyptian struck him until he bled. ^{c}Umar said "Now strike ^{c}Amr's bald head, by Allah, his son only struck you because of his father's authority". The Egyptian said, "O Emir of the believers, I have struck the man who struck me." ^{c}Umar said, "By Allah, if you do not strike him, we will not have resolved the issue between you and him; Muhammad oppressed you because of the authority of his father, ^{c}Amr."

Then he said, "Aboo-^{c}Amr, since when do you enslave people who were born free?" He turned towards the Egyptian and said to him, "Go now with wisdom, and if you have any concerns, write to me."

- During the caliphate of ^{c}Umar (*RA*) a Jewish man complained about ^{c}Aliyy (*RA*) to ^{c}Umar. When they were both in front of him, ^{c}Umar called the Jewish man by his name while he called ^{c}Aliyy, as he usually did, by his nickname, Aboo-al-Hassan. ^{c}Aliyy felt angry and ^{c}Umar said to him, "Do you hate to be in dispute with a Jewish man and stand with him equally before the law." ^{c}Aliyy said, "No, but I am angry because you are not treating us equally; you favored me, by calling him by his name and calling me by my nickname".